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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,494	03/16/2004	Masaaki Okabayashi	393032044100	3650

25224 7590 09/11/2007  
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EXAMINER
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MONIKANG, GEORGE C

ART UNIT	PAPER NUMBER
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2615

MAIL DATE	DELIVERY MODE
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09/11/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/802,494

Applicant(s)

OKABAYASHI ET AL.

Examiner

George C. Monikang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 3/16/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 10/802494.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 4/19/2004, 3/16/2004.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Ota et al, US Patent Pub. 2002/0188364 A1.

Re Claim 1, Ota et al discloses a digital mixer apparatus for performing mixing processing on sound signals to output mixed sound signals (fig. 3), said apparatus comprising: a plurality of input channels each arranged to receive a sound signal (fig. 3: 312; para 0052); a plurality of buses each arranged to perform mixing processing on the sound signals input thereto from one or more of said plurality of input channels and thereby output mixed sound signals (fig. 3: 314; para 0048); a plurality of bus selecting operators provided in corresponding relation to said plurality of buses, each of said bus selecting operators selecting a corresponding one of said buses in response to operation thereof (fig. 2: 232; paras 0049-0050); a plurality of channel-specific send operators provided in corresponding relation to said plurality of input channels, each of said channel-specific send operators controlling a level of the sound signal to be delivered from a corresponding one of said input channels to the selected bus (para 0050); a plurality of channel-ON operators provided in corresponding relation to said plurality of input channels, each of said channel-ON operators turning on/off the sound

signal to be passed through a corresponding one of said input channels and having a display that displays a signal ON/OFF state of the corresponding input channel (fig. 2: 233; para 0040); a send ON/OFF section that turns on/off delivery of the sound signals from said input channels to said buses for each of combinations of said input channels and said buses (fig. 2: 233; para 0040); and a control section (fig. 2: 231-1 to 231-16) that, while any one of said plurality of bus selecting operators is being operated beyond a predetermined time period, causes the displays of said channel-ON operators to display ON/OFF states, in said send ON/OFF section, of the delivery of the sound signals from the input channels, corresponding to said channel-ON operators, to the bus corresponding to the one bus selecting operator (paras 0039-0040).

Claim 2 has been analyzed and rejected according to claim 1.

Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by Suyama et al, US Patent Pub. 2002/0156547 A1.

Re Claim 3, Suyama et al discloses a digital mixer apparatus for performing mixing processing on sound signals to output mixed sound signals (fig. 1), said apparatus comprising: a plurality of input channels each arranged to receive a sound signal (fig. 1: 112 & 113); a plurality of layer operators provided in corresponding relation to a plurality of layers provided by dividing said plurality of input channels into groups each comprising a predetermined number of the input channels (para 0020), each of said layer operators selecting, in response to operation thereof, the predetermined number of the input channels belonging to a corresponding one of said

layers (paras 0021-0020); a first bus that performs mixing processing on the sound signals input thereto from selected ones of said plurality of input channels and thereby outputs mixed sound signals (fig. 1: 114; para 0046); a predetermined number of first level operators (fig. 2a: 212; fig. 3: 302) to which are allocated the predetermined number of the input channels selected via said layer operator, each of said first level operators adjusting, in response to operation thereof, delivery levels of the sound signals to be delivered from the input channels allocated thereto to said first bus (para 0053); a plurality of second buses that perform mixing processing on the sound signals input thereto from selected ones of said plurality of input channels and thereby output mixed sound signals (fig. 1: 115-117; para 0046); a plurality of bus selecting operators (fig. 5: 502 & 503; para 0060) provided in corresponding relation to said plurality of second buses, each of said bus selecting operators selecting a corresponding one of said second buses in response to operation thereof (fig. 5: 502 & 503; para 0060); a predetermined number of second level operators to which are allocated the predetermined number of the input channels selected via said layer operator, each of said second level operators adjusting, in response to operation thereof (para 0060), delivery levels of the sound signals to be delivered from the input channels allocated thereto to said second bus selected via said bus selecting operator (fig. 5: 502 & 503; para 0060); and a control section (fig. 5; para 0060) that, in response to operation of any one of said plurality of bus selecting operators during continued operation of any one of said plurality of layer operators, copies, as the delivery levels, set via said second level operator (paras 0020-0022), of the signals to be delivered from the

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predetermined number of the input channels set via said second level operator to said second bus corresponding to the one bus selecting operator, the delivery levels, set via said first level operator, of the signals to be delivered from the predetermined number of the input channels (para 0060), corresponding to the one layer operator (para 0020), to said first bus.

### **Contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C. Monikang whose telephone number is 571-270-1190. The examiner can normally be reached on M-F. alt Fri. Off 7:30am-5:00pm (est).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

George Monikang

8/30/2007



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